FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 257 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. K.D. Shah for petitioner.
Mr. P.S. Dani for respondent nos.1 to 4.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. RAD Suit No. 381 of 1989 was dismissed by the learned Judge of the Small Causes Court at Bombay by judgment and order dated 17/1/2006. Being aggrieved by the said dismissal order, the plaintiffs filed Appeal No. 295 of 2006 before the Appellate Bench of the same court. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 10/7/2006.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in

Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)